REMARKS/ARGUMENTS

Claims 1-20 are pending. Within the Office Action, claims 1-8 and 14-17 are rejected under 35 U.S.C. § 102(e); claims 9-13 and 18-20 were previously withdrawn. The Applicants respectfully request reconsideration in light of the arguments made below.

Rejections under 35 U.S.C. § 102

Within the Office Action, claims 1-8 and 14-17 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,446,028 to Wang. The Applicants respectfully traverse this rejection.

The present invention

The present invention is directed to determining the performance of a route along a network. In accordance with the present invention, performance is determined by requesting a Web page, downloading a Web page containing a Uniform Resource Locator (URL) for a Web object, requesting the Web object, and then sending the Web object. Concurrent with sending the Web object, a round trip time from the transmission and reception of corresponding transport protocol packets is measured.

Wang

Wang is directed to methods and arrangements for determining the performance of a networked system. As illustrated in one example, a user on a client system enters information during the beginning of a dialog step. A corresponding request packet is sent to a server system. (Wang at col. 6, lines 48-52) In a different step, the server system requests additional information from a database system (*id.* at col. 8, lines 21-31), which responds with the additional information. The additional information is then returned to the client system.

Wang does not give any details about *how* information is requested from the database system. Those skilled in the art will recognize that systems generally request data from remote database systems using remote procedure calls (RPCs), not by using URLs as disclosed in the present invention.

Wang makes a general assertion that his invention "can easily be applied to other types of client-server applications" (*id.* at col. 3, lines 15-16). Wang gives no details on these other types

of client-server applications. Such a general assertion, with no supporting details, cannot be used to support a rejection under § 102.

Claims 1-8

Claim 1 is directed to a method of measuring a performance of a route in an internetwork. The route couples an internetwork server to a terminal on the internetwork. The method comprises (1) at a frequently trafficked portal on the internetwork, detecting a request for a web page from the terminal, where the web page is at least partially stored at the frequently trafficked portal; (2) in response to the request for the web page, downloading the web page to the terminal via the internetwork; (3) from the web page, retrieving a Uniform Resource Locator (URL) for a web object referenced in the web page; (4) resolving the URL to the internetwork server; (5) detecting a request for the web object from the terminal at the internetwork server; (6) in response to the request for the web object, sending the web object from the internetwork server to the terminal; and (7) concurrent with sending the web object, measuring a Round Trip Time (RTT) from the transmission and reception of corresponding transport protocol packets sent between the internetwork server and the terminal.

Wang does not disclose detecting a request for a Web page and, from the Web page requested, retrieving a URL for a web object referenced in the Web page, as recited in claim 1. Instead, Wang discloses receiving a request for data and, ultimately, retrieving the data, such as by performing a remote procedure call on a database application. Wang does not disclose using the URL to retrieve a Web object. Indeed, Wang does **not** mention URLs at all, let alone using one as recited in claim 1. For at least these reasons, claim 1 is allowable over the teachings of Wang.

Claims 2-8 all depend on the allowable claim 1. Accordingly, claims 2-8 are all also allowable as depending on an allowable base claim.

Claims 14-16

Claim 14 is allowable for reasons similar to those for claim 1. Claim 14 recites, in part, "a web page for downloading upon request . . . [and] including a Uniform Resource Locator (URL) for a web object . . . not stored on the frequently trafficked web portal." As explained above, in regard to claim 1, Wang does not disclose a Web page that is requested and that contains a URL for a Web object, which is then downloaded.

Claim 14 also recites "a measurement process executed on the internetwork server." Wang does not disclose this element either. Instead, Wang discloses a performance monitor, which is installed in close "network proximity" (Wang at col. 5, lines 27-37) to a server system.

For at least these reasons, claim 14 is allowable over Wang.

Claims 15 and 16 both depend on the allowable claim 14. Accordingly, claims 15 and 16 are also both allowable as depending on an allowable base claim.

Claim 17

Like claim 1, claim 17 also recites detecting a request for a Web page, from the Web page requested, retrieving a URL for a web object, and detecting a request for the web object. Thus, claim 17 is allowable over Wang for similar reasons that claim 1 is allowable.

The cited portions of Wang do not anticipate the claims of this invention.

Within the Office Action, it is stated that Wang discloses "from the web page, retrieving a Uniform Resource Locator (URL) for a web object referenced in the web page (e.g. operator manually clicks or selects another object within the page for viewing or retrieving)." The Office Action does not cite any portion of Wang as disclosing this element, because Wang does not disclose this element.

It is also stated in the Office Action that Wang discloses "resolving the URL to the internetwork server (e.g. inherently for resolving URL through DNS server from name server to IP mapping)." But because Wang does not teach URLs at all, it does not disclose this element.

It is also stated in the Office Action that Wang discloses "detecting a request for the web object from the terminal at the internetwork server; in response to the request for the web object, sending the web object from the internetwork server to the terminal (e.g. col. 2 lines 42-52 and Figure 7 repeating step)." Part of the cited portion of Wang–column 2, lines 42-52–merely includes a brief description of Figures 3-5. Together, Figures 3-5 and 7 disclose a client system making a request to a server system, which makes a request to a database system, as described in more detail above. Wang does not disclose that a web object ultimately sent to a client is accessed by a URL found in a requested Web page, as recited in claims of the present invention. By merely disclosing sending a Web object–not in accordance with the present invention–Wang does not anticipate the claims of the present invention.

CONCLUSION

The Applicants respectfully submit that claims 1-8 and 14-17 are in condition for allowance, and allowance at an early date would be appreciated. If the Examiner has any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 so that any outstanding issues can be quickly and efficiently resolved.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

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By: Thomas B. Haverstock
Thomas B. Haverstock
Reg. No.: 32,571
Attorneys for Applicants

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